

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

MICHAEL W. MALLORY)
)
v.) NO. 3:04-0782
) JUDGE CAMPBELL
CORRECTIONAL MEDICAL)
SERVICES, et al.)

ORDER

Pending before the Court are a Motion for Summary Judgment filed by Defendants Parker, Phillips and Holland (Docket No. 76); Defendant Limbird's Motion for Summary Judgment (Docket No. 80); Defendant Weaver's Motion for Summary Judgment (Docket No. 86); and a Motion for Summary Judgment of Defendants Correctional Medical Services, Collins, Smith and Webb (Docket No. 99).

For the reasons stated in the accompanying Memorandum, the Motion for Summary Judgment filed by Defendants Parker, Phillips and Holland (Docket No. 76) is GRANTED; Defendant Limbird's Motion for Summary Judgment (Docket No. 80) is GRANTED; Defendant Weaver's Motion for Summary Judgment (Docket No. 86) is GRANTED; and the Motion for Summary Judgment of Defendants Correctional Medical Services, Collins, Smith and Webb (Docket No. 99) is GRANTED. All claims against these Defendants are DISMISSED.


Plaintiff's remaining claim, against Defendant Nashville General (Docket No. 42, ¶¶ 72-79), is a state law negligence claim. Having dismissed all federal claims, the Court declines to exercise supplemental jurisdiction over that state law claim, pursuant to 28 U.S.C. § 1367(c)(3). Accordingly, Plaintiff's negligence claim against Nashville General is DISMISSED without prejudice.

Accordingly, judgment is entered for the Defendants, and this action is DISMISSED.

The pretrial conference set for February 27, 2006, and the jury trial set for March 7, 2006, are canceled.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE